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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/664,273	09/18/2000	Jean-Claude Constantin	32978	4537
116 7590 09/24/2007 PEARNE & GORDON LLP 1801 EAST 9TH STREET SUITE 1200 CLEVELAND, OH 44114-3108			EXAMINER LAO, LUN S	
			ART UNIT 2615	PAPER NUMBER
			MAIL DATE 09/24/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

**Application No.**

09/664,273

**Applicant(s)**

CONSTANTIN, JEAN-CLAUDE

**Examiner**

Lun-See Lao

**Art Unit**

2615

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 10 July 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 21-40 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 21-40 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |                                                                                      |                                                                   |
|--------------------------------------------------------------------------------------|-------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____                                                          | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Introduction***

1. This action is in response to the amendment filed on 07-10-2007. Claims 1-20 has been canceled and claims 21-40 have been added. Claims 21-40 have been pending.

### ***Continued Examination Under 37 CFR 1.114***

2. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 07-10-2007 has been entered.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 21, 23, 25, 30-31, 33, 35, and 40 are rejected under 35 U.S.C. 102(b) as being anticipated by Anderson (PAT. 5,721,783).

Consider claim 21 Anderson teaches a wireless transmission system comprising:

at least one hearing device comprising a signal processing unit and an electro-acoustic transducer (see fig.2),

the signal processing unit being operatively connected to the electro-acoustic transducer; means for transmitting a plurality of audio signals, each of which is transmitted at a predefined carrier frequency (see fig.9) ;

means for receiving at least one of the plurality of audio signals, said means for receiving at least one of the plurality of audio signals being comprised in the at least one hearing device, and said means for receiving at least one of the plurality of audio signals being operatively connected to at least one of the signal processing unit and the electro-acoustic transducer (see figs. 2 and 9);

means for generating and transmitting configuration parameters for configuring the means for receiving at least one of the plurality of audio signals (948 in fig.9);

means for receiving the configuration parameters, said means for receiving the configuration parameters being comprised in said means for receiving at least one of the plurality of audio signals (948 in fig.9); and

means for tuning the means for receiving of at least one of the plurality of audio signals to an audio signal according to the configuration parameters (962, 904, 902 in fig.9);

wherein the plurality of audio signals as well as the configuration parameters are transmitted wirelessly via independent transmission channels (see figs 2 and 9 and col. 4 line 27-col. 5 line 60, col. 8 line 53-col. 9 line 67 and col. 12 line 47-col. 13 line 67).

Consider claim 31 Anderson teaches a wireless transmission system comprising:

Art Unit: 2615

at least one hearing device comprising a signal processing unit and an electro-acoustic transducer (see fig.2),

the signal processing unit being operatively connected to the electro-acoustic transducer; means for transmitting a plurality of audio signals, each of which is transmitted at a predefined carrier frequency (see fig.9) ;

means for receiving at least one of the plurality of audio signals, said means for receiving at least one of the plurality of audio signals being detachably (reads on the switch) coupled to the at least one hearing device (see figs 2 and 9), and

said means for receiving at least one of the plurality of audio signals being operatively connected to at least one of the signal processing unit and the electro-acoustic transducer (see figs 2 and 9);

means for generating and transmitting configuration parameters for configuring the means for receiving at least one of the plurality of audio signals (948 in fig.9);

means for receiving the configuration parameters, said means for receiving the configuration parameters being comprised in said means for receiving at least one of the plurality of audio signals (948 in fig.9); and

means for tuning the means for receiving of at least one of the plurality of audio signals to an audio signal according to the configuration parameters (962, 904, 902 in fig.9);

wherein the plurality of audio signals as well as the configuration parameters are transmitted wirelessly via independent transmission channels (see figs 2 and 9 and col. 4 line 27-col. 5 line 60, col. 8 line 53-col. 9 line 67 and col. 12 line 47-col. 13 line 67).

Consider claims 23, 25 and 30 Anderson teaches the wireless transmission system the means for transmitting a plurality of audio signals consist of a single unit (see figs. 2 and 9); and the wireless transmission system further comprising a transmission unit containing the means for generating and transmitting the configuration parameters as well as the means for transmitting the plurality of audio signals (see figs 2 and 9 and col. 4 line 27-col. 5 line 60, col. 8 line 53-col. 9 line 67); and at least one hearing device includes at least one hearing aid adapted to be worn by a user (see fig.2).

Claims 33, 35 and 40, they are essentially similar to claims 23, 25 and 30 and are rejected for the reason stated above apropos to claims 23, 25 and 30.

### ***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 22, 28-29 and 32, 38-39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Anderson (US PAT. 5,721,783) in view of Laitinen (US PAT. 6,091,826).

Consider claim 22 Anderson teaches that the wireless transmission system, wherein the means for generating and transmitting the configuration parameters are provided in at least one of a remote control, a transmitter, a control unit connected to a

Art Unit: 2615

antenna, and a configuration unit (see fig. 9 and col. 8 line 53-col. 9 line 67 and col. 12 line 47-col. 13 line 67); but Anderson fails to teach a loop antenna.

However, Laitinen teaches a loop antenna (see fig. 5 (59b, 60b) and see col. 9 line 15-29).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teaching of Laitinen into the teaching of Anderson so that the weaker signals can be received too.

Consider claim 28 Laitinen teaches that wireless transmission system comprising a control unit that is, on one side, connected to a loop antenna and, on another side, connected to a input/computing unit (see fig.5 and col. 6 line 62-col. 7 line 67 and discussion above claim 22).

Consider claim 29 Anderson does not explicitly teach the input/computing unit is connected via a Universal Standard Bus to the control unit.

However, the input/computing unit being connected via a Universal Standard Bus to the control unit is well known in the art (official notice is taken).

Therefore, it would have been obvious that wireless remote processor system as taught by Anderson could have used a USB port as claimed so that more efficiency to transmitting the data for update the system.

Claims 32 and 38-39, they are essentially similar to claims 22 and 28-29 and are rejected for the reason stated above apropos to claims 22 and 28-29.

Art Unit: 2615

7. Claims 24 and 26-27 and 34, 36-37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Anderson (US PAT. 5,721,783) in view of Hagen (US PAT. 6,424,722).

Consider claim 24 Anderson does not explicitly teach the wireless transmission system, wherein the means for transmitting a plurality of audio signals consist of a plurality of units, each being able to transmit one audio signal.

However, Hagen teaches the wireless transmission system, wherein the means for transmitting a plurality of audio signals consist of a plurality of units, each being able to transmit one audio signal (see fig.9 and col. 14 lines 1-32).

Therefore, it would have been obvious that wireless remote processor system as taught by Anderson could have used a USB port as claimed so that more efficiency to transmitting the data for update the system.

Consider claim 26 Anderson teaches the wireless transmission system further comprising a configuration unit containing the means for generating and transmitting the configuration parameters, wherein the configuration unit is capable of establishing a bidirectional communication link to the means for receiving the configuration parameters at least one hearing device (see figs 2 and 9 and col. 4 line 27-col. 5 line 60, col. 8 line 53-col. 9 line 67 and col. 12 line 47-col. 13 line 67); but Anderson does not explicitly teach programming at least one hearing device.

However, Hagen teaches the wireless transmission system, further comprising a configuration unit containing the means for generating and transmitting the configuration parameters, wherein the configuration unit is capable of establishing a bidirectional



Art Unit: 2615

communication link to the means for receiving the configuration parameters allowing programming the at least one hearing device (see figs 9-10 and col. 14 line 1-col. 15 line 40).

Therefore, it would have been obvious that wireless remote processor system as taught by Anderson could have used a USB port as claimed so that more efficiency to transmitting the data for update the system.

Consider claim 27 Hagen teaches the wireless transmission system, further comprising a computer unit that is operationally connected to the configuration unit (see fig.1 and see col. 7 line 30-col. 8 line 20 and see the discussion above claim 26).

Claims 34 and 36-37, they are essentially similar to claims 24 and 26-27 and are rejected for the reason stated above apropos to claims 24 and 26-27.

### ***Response to Arguments***

8. Applicant's arguments with respect to claims 21-40 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

10. Any response to this action should be mailed to:

Mail Stop \_\_\_\_ (explanation, e.g., Amendment or After-final, etc.)

Commissioner for Patents

Art Unit: 2615


P.O. Box 1450  
Alexandria, VA 22313-1450  
Facsimile responses should be faxed to:  
**(571) 273-8300**  
Hand-delivered responses should be brought to:  
Customer Service Window  
Randolph Building  
401 Dulany Street  
Alexandria, VA 22314

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lao,Lun-See whose telephone number is (571) 272-7501. The examiner can normally be reached on Monday-Friday from 8:00 to 5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chin Vivian, can be reached on (571) 272-7848.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 whose telephone number is (571) 272-2600.

Lao,Lun-See L.S.  
Patent Examiner  
US Patent and Trademark Office  
Knox  
571-272-7501  
Date 09-12-2007

  
VIVIAN CHIN  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600